

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JORGE NEVAREZ-LEDEZMA,

Petitioner,

v.

Civ. No. 20-cv-1144 KG-KRS
Cr. No. 19-cr-1379 KG-KRS

UNITED STATES OF AMERICA,

Respondent.

ORDER TO ANSWER

This matter is before the Court on Petitioner's Motion to Vacate Convictions Under 28 U.S.C. § 2255 (CV Doc. 1). Petitioner challenges his federal drug and firearm convictions based on ineffective assistance of counsel. Having reviewed the allegations pursuant to Habeas Corpus Rule 4, the Court determines the claims are not subject to summary dismissal. The Court also determined that, while the Motion was filed about 13 days after expiration of the one-year habeas limitation period, Petitioner has raised a colorable argument for tolling. The Court will therefore order the United States to respond to the Motion (CV Doc. 1).

Accordingly, **IT IS ORDERED** that the Clerk's Office shall **FORWARD** to the United States Attorney's Office a copy of Petitioner's Motion (**CV Doc. 1**), along with a copy of this Order;

IT IS FURTHER ORDERED that the United States must **FILE** a habeas response within thirty (30) days of entry of this Order.


UNITED STATES MAGISTRATE JUDGE